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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/688,261	10/17/2003	Norbert Hahn	P-US-PR-1088	4594
7590 06/10/2010				
Group Patent Counsel Black & Decker Corporation Mail Stop TW199 701 E. Joppa Rd Towson, MD 21286			EXAMINER WEEKS, GLORIA R	
			ART UNIT 3721	PAPER NUMBER
			MAIL DATE 06/10/2010	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

10/688,261

**Applicant(s)**

HAHN, NORBERT

**Examiner**

GLORIA R. WEEKS

**Art Unit**

3721

**Period for Reply** -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 23 February 2010.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1,3-7,9,10,12-25 and 33 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,3-7,9,10,12-25 and 33 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB06)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

**DETAILED ACTION**

1. This action is in response to the Pre-Appeal received on February 23, 2010.

In view of the Pre-Appeal filed on February 23, 2010, PROSECUTION IS HEREBY REOPENED.

A Supervisory Patent Examiner (SPE) has approved of reopening prosecution by signing below:

***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1, 3-7, 9, 10, 12-19 and 33 are rejected under 35 U.S.C. 102(b) as being anticipated by Han et al. (USPN 5,820,136).

In reference to claims 1, 3-7, 9, 12-19 and 33, Han et al. discloses a tool holder comprising: a tubular main body 16 defining a forward direction extending toward a forward end where a tool 28 is inserted into or removed from the main body 36; an first and second (figure 5) elongated locking elements 18 that define a sleeve, the first and second locking elements pivotably mounted at a pivot point 60 on an exterior surface of the main body 16, the locking elements including a forward portion including an engaging portion 70 located forward of the pivot point between the pivot point 60 and the forward end of the main body 16, the engaging

portions 70 pivotably moveable between a radially inner locked position (figure 4) within a recess 72 of the main body 16, and a radially outer unlocked position (figure 2) which enables a tool to be inserted into or removed from the main body; the locking elements 18 further including a radially outward portion 24 engaged by a radially inward portion 66 a manually actuable sleeve 36; a retaining ring 12 independently movable 44 from the manually actuable sleeve 36 which is mounted around the main body 16, the actuable sleeve 36 is moveable between a first position (figure 4) in which the engaging portions of the locking elements are held in the locked position and a second position (figure 2) in which the engaging portions of the locking elements are moveable to the unlocked position; wherein the manually actuable sleeve 36 is axially slideably mounted along the main body 16 against the force of a spring member 38; and a resilient ring portion of the locking elements 18.

In reference to claims 1, 3-5 and 10, Han et al. discloses a tool holder comprising: a tubular main body 12 defining a forward direction extending toward a forward end where a tool 28 is inserted into or removed from the main body 12; radial outward projections 60 of the main body 12 that engage a recess 57 of first and second (figure 5) elongated locking elements 18 that define a sleeve, the first and second locking elements pivotably mounted at a pivot point defined by the engaging portions 60 on an exterior surface of the main body 12, the locking elements including a forward portion including an engaging portion 70 located forward of the pivot point between the pivot point and the forward end of the main body 12, the engaging portions 70 pivotably moveable between a radially inner locked position (figure 4), and a radially outer unlocked position (figure 2) which enables a tool to be inserted into or removed from the main body; the radially outward engaging portions 60 of the locking elements are engaged by a

radially inward portion 59 of a manually actuatable sleeve 36; a retaining ring 16 independently movable from the manually actuatable sleeve 36 which is mounted around the main body 12, the actuatable sleeve 36 is moveable between a first position (figure 4) in which the engaging portions of the locking elements are held in the locked position and a second position (figure 2) in which the engaging portions of the locking elements are moveable to the unlocked position; wherein the manually actuatable sleeve 36 is axially slideably mounted along the main body 12 against the force of a spring member 38; and a resilient ring portion of the locking elements 18.

4. Claims 1, 20-25 and 33 are rejected under 35 U.S.C. 102(b) as being anticipated by Holt (USPN 5,921,563).

Regarding claims 1, 20-25 and 33, Holt discloses a tool holder comprising: a tubular main body 18 defining a forward direction extending toward a forward end where a tool 16 is inserted into or removed from the main body 18; an elongated locking element 32 pivotably mounted 64 at a pivot point on an exterior surface of the main body 18, the locking element 32 including a forward portion including an engaging portion 40 located forward of the pivot point 64 between the pivot point and the forward end of the main body 18, the engaging portion 40 pivotably moveable between a radially inner locked position (column 4), in which the engaging portion is engageable with a retaining collar of the tool 16, and a radially outer unlocked position (figure 3), which enables a tool 16 to be inserted into or removed from the main body 18; and a manually actuatable sleeve 70 including a locking member 82, the sleeve is mounted around the main body 18 so as to be moveable between a first position in which the engaging portion 40 of the locking element is held in the locked position and a second position in which the engaging portion of the locking element is moveable to the unlocked position; wherein the manually

actuatable sleeve 70 is axially slideably mounted along the main body 18; a radial hole 46 defined in the main body 18 that is axially longer than a radially inwardly extending engaging portion 47 of the locking element; and a spring biased 72 retaining ring 74; and a retaining collar 16.

### *Conclusion*

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Refer to attachment for notice of references cited and recommended for consideration based on their disclosure of limitations related to the claimed invention.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to GLORIA R. WEEKS whose telephone number is (571)272-4473. The examiner can normally be reached on M-Th 8am-6:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rinaldi I. Rada can be reached on (571) 272-4467. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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Other helpful telephone numbers are listed for applicant's benefit:

- Allowed Files & Publication (888) 786-0101
- Assignment Branch (800) 972-6382
- Certificates of Correction (703) 305-8309
- Fee Questions (571) 272-6400
- Inventor Assistance Center (800) PTO-9199
- Petitions/special Programs (571) 272-3282
- Information Help line 1-800-786-9199

/Gloria R. Weeks/

Examiner, Art Unit 3721

/Rinaldi I Rada/

Supervisory Patent Examiner, Art Unit  
3721

June 11, 2010